

**COUNCILMEMBER DONNA FRYE**

City of San Diego  
Sixth District

**MEMORANDUM**

**DATE:** May 21, 2004

**TO:** Councilmember Scott Peters and Members of Land Use & Housing Committee

**FROM:** Donna Frye

**SUBJECT:** Comments on CEQA Significance Threshold Guidelines

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**A. Air Quality and Odor (starts on p. 3)**

- The air quality section is well written. The only minor change is for the guidelines to include a more concrete definition of sensitive receptor.
- **RECOMMENDATION:** Incorporate methodology that can be used in determining what a sensitive receptor is (p. 4 – they list locations for possible sensitive receptors but don't define them).

**B. Agricultural Resources (starts on p. 16)**

- This section is adequate. There is only one minor inadequacy.
- **RECOMMENDATION:**
  1. Provide methodology to be utilized in determining whether a "substantial amount" of farmland will be converted to non-agricultural uses. The guidelines should contain criteria to be used in determining whether or not a project will convert a "substantial amount" of farmland.

**C. Biological Resources (starts on p. 17)**

- This section is adequate. The guidelines and criteria are specific enough that, if followed, would leave little question as to whether a proposed project would have significant effect on biological resources.
- The main issue here is that all the information necessary for the determination of potential effects is contained in cites and cross-references, not in the Draft. (i.e. the Biology Guidelines of the San Diego Land Development Manual, the City of San Diego Multiple Species Conservation Program Sub-area Plan etc.)
- **RECOMMENDATION:** All documents used in determining potential effects should be easily accessible in the Threshold guidelines – and not just cross-referenced.

**D. Geologic Conditions (p. 23)**

- This section is inadequate. There is no stated definition of what the Significant Threshold is for this category or a definitive statement as to when an impact would be significant.

- **RECOMMENDATION:**

- Adopt Significance Thresholds similar to those of Los Angeles which detail the thresholds for each of the three initial study checklist questions presented on page. 24.
  - *(C.1-Geologic Hazards- page 4)- A project would normally have a significant geologic hazard impact if it would cause or accelerate geologic hazards which would result in substantial damage to structures or infrastructure, or expose people to substantial risk of injury*
  - *In the Methodology to Determine Significance under Environmental Setting: (C.1-Geologic Hazards- page 4)*
    - *In a description of the environmental setting, include following information:*
      - *Description of the physical setting and geology, such as topography, steepness and height of slopes or cliffs, physical properties of the soil and underlying bedrock, proximity to bodies of water, presence of fill, and extraction or mining activities;*
      - *Identification of the geologic processes that may result in the geologic hazards on the project site or in the surrounding area; and*
      - *Summary of requirements and/or policies for geologic hazards that apply to the project site*
  - *(C.2 Sedimentation and Erosion- page 3)- A project would normally have significant sedimentation or erosion impacts if it would:*
    - *Constitute a geologic hazard to other properties by causing or accelerating instability from erosion; or*
    - *Accelerate natural processes of wind and water erosion and sedimentation, resulting in sediment runoff or deposition which would not be contained or controlled on-site.*
  - *(C.3 Landform Alteration- page 2)- A project would normally have a significant impact on landform alteration if one or more distinct and prominent geologic or topographic features would be destroyed, permanently covered or materially and adversely modified. Such features may include, but are not limited to, hilltops, ridges, hillslopes, canyons, ravines, rock outcrops, water bodies, streambeds and wetlands*
- Table F-1 on p. 23 lists a variety of Hazard Categories but nowhere does it detail what the categories refer to. Need to spell out what the categories are.

#### **E. Growth Inducement (p. 25)**

- This section is weak and not well fleshed out.
- **RECOMMENDATION:** At the least, need to add additional question to Initial Study Checklist about the possible gentrification effects of new development projects: Would this proposal substantially alter the demographics of an area due to an increase in the price of housing? If the answer is yes, the EIR must discuss those impacts and provide for mitigation or avoidance.

#### **F. Health & Safety (p. 26)**

- This section is very well written.
- **RECOMMENDATION:** Like in Historical Resources, the Guidelines need to include all the information they refer to for accessibility purposes.

#### **G. Historical Resources (p. 32)**

- This section is adequate.

#### **H. Hydrology (p. 39)**

- This section is adequate.
- **RECOMMENDATION:** Again, guidelines need to include the material cited in this section. Specifically, the maps/charts detailing areas in San Diego within the 100 year floodplain & relative portions of City Council Policy 600-14.

#### **I. Land Use (p. 41)**

- This section is very comprehensive and thoroughly adequate
- No recommendations

#### **J. Mineral Resources (p. 43)**

- This section is adequate
- **RECOMMENDATION.** Incorporate a map or chart detailing which sections of the City fall within Mineral Resource Zones. Although Open File Report 96-04 is referenced within the guidelines, an overlay map or chart similar to that proposed for Mineral Resource Zones would provide greater detail about mineral resources present within the City

#### **K. Noise (p. 45)**

- This section is adequate, but needs minor revision.
- **RECOMMENDATION:** In the subsection Temporary Construction Noise on p. 50, need to add even more analysis for determining if a significant impact is occurring to a sensitive receptor. Add language that requires further study of the potential impacts of a project that will occur within 500 feet of a sensitive receptor. Specifically, add that "construction activities lasting over one day that exceed existing ambient exterior levels by 10 dB are significant."

#### **L. Paleontological Resources (p. 52)**

- This section is one of the most comprehensive sections of the Draft
- **RECOMMENDATION:** Include a map detailing where the geological units within San Diego occur – which would specify whether a project is within the Paleontological Monitoring Determination Matrix (p. 53).

#### **M. Public Services and Facilities (p. 54)**

- Section needs to be more explicit about what constitutes a “significant impact” for libraries, schools, and park and recreational resources.
- **RECOMMENDATION:** Guidelines should include explicit criteria about what constitutes whether a project has a significant impact on libraries, schools, and park and recreational resources. Need more specificity and detail.
- **RECOMMENDATION:** Include language in the guidelines that requires the Police Department to have a member on the “multi-disciplinary project review team” that reviews impacts of development projects on different areas.

#### **N. Public Utilities (p. 60)**

- **Electrical Power and Natural Gas, Solar Energy, and Communication Systems (p. 61)**
  - Lacking in specificity as to what factors are to be examined in determination of a significant environmental impact
  - **RECOMMENDATIONS:** the Draft should incorporate some concrete factors to be examined in determining a significant impact. Examples include:
    - An analysis of the extent to which a proposed project would require new energy supply facilities
    - A determination of whether the needed infrastructure was anticipated by adopted plans
    - Draft should also provide more details as to what excessive levels/amounts of power would be
- **Solid Waste Generation/Disposal (p. 62)**
  - Very well written section, but the Draft lacks any mention of potentially significant impacts caused by the construction of industrial facilities. This can be remedied by a determination of the amount of waste generated by an industrial facility vs. a commercial facility
  - **RECOMMENDATION:** Guidelines should incorporate a statement that industrial construction of 47,000 square feet or more is considered to have a potentially significant solid waste impact
  - **RECOMMENDATION:** Add same threshold for solid waste impacts as most stringent Redev. Agency threshold
- **Water and Sewer, Water Conservation, Recycled Water Reuse (p. 63)**
  - **RECOMMENDATION:** Include a variety of questions to determine whether a project has a significant water supply effect. Examples taken from LA CEQA Threshold guide include

- (K.1 Water- p.3 of LA Threshold Guide):
  - *Would implementation of the proposed project cause the Community Plan area to exceed projected growth in population, housing or employment for the year of project occupancy/buildout?*
  - *Would the project's water consumption require the construction of additional off-site water infrastructure*
    - Add these factors to look at:
  - Total estimated water demand for project
  - The sufficiency of capacity in the water infrastructure that would serve the project
  - The amount by which the project would cause the Community Plan to be exceeded in terms of projected growth in population, housing, and employment.
  - The degree to which scheduled water infrastructure improvements or project design features would reduce or offset service impacts
- **RECOMMENDATION:** There are no guidelines dealing with wastewater -- only that the Engineering Division believes the current sewer system can handle any future growth. This may be fine for now, but 10 years from now?
  - We should adopt the same thresholds for significant wastewater impact used by City of Los Angeles (K.2 Wastewater p. 3)-  
*Examples: A project would have a significant impact if:*
    - *The project would cause a measurable increase in wastewater flows at a point where, and a time when, a sewer's capacity is already constrained or that would cause a sewer's capacity to become constrained; or*
    - *The project's additional wastewater flows would substantially or incrementally exceed the future scheduled capacity of any one treatment plant by generating flows greater than those anticipated in the Wastewater Facilities Plan or General Plan and its elements.*

#### **O. Transportation/Circulation/Parking (p. 66)**

- Good, in that this section addresses cumulative impact.
- No interpretive guide to data provided nor any mention of any City department that can provide such an interpretation
  - Very difficult for a layperson to look at Draft guidelines and determine whether a project would have a significant traffic effect because of lack of explanation of terms used (ex. volume to capacity ratio)
- Draft does explicitly says what is a substantial increase of traffic → ambiguous in the interpretation of whether a project would have a significant effect on traffic
- **RECOMMENDATION:** City should adopt specific factors that spell out what makes an impact significant. We need more specificity!!! *For example, from Los Angeles CEQA Thresholds Guide –*

- Provides definitions for level of service (LOS) definitions and Significance Thresholds for the following:
  - Signalized Intersections (Exhibit F.1-1, page 13)
    - A proposed project would normally have a significant impact on intersection capacity if the project traffic causes an increase in the V/C ratio on the intersection operating condition after the addition of project traffic if one of the following: (F.1 Intersection Capacity- page 3)
      - V/C ratio  $\geq 0.040$  if final LOS is C
      - V/C ratio  $\geq 0.020$  if final LOS is D
      - V/C ratio  $\geq 0.010$  if final LOS is E or F
    - Exhibit F.1-1 and Exhibit F.1-2 explain what those thresholds are: A= excellent, B= very good, C= good, D=fair, E= poor, F= failure
  - The same sort of analysis also provided for Street Segment Capacity (F.2) and Freeway Capacity (F.3)
    - A proposed project would normally have a significant street capacity impact if project traffic causes an increase in the V/C ratio on street segment operating condition after the addition of project traffic equal to or greater than the following (F.2 Street Segment Capacity, page 2):
      - V/C ratio increase  $\geq 0.080$  if final LOS is C
      - V/C ratio increase  $\geq 0.040$  if final LOS is D
      - V/C ratio increase  $\geq 0.020$  if final LOS is E or F
    - A project would normally have a significant freeway capacity impact if project traffic causes an increase in the D/C ratio (demand to capacity) on a freeway segment of freeway on- or off-ramp of 2 percent or more capacity (D/C increase  $\geq 0.02$ ). which causes or worsens LOS F conditions (D/C  $> 1.00$ ). (F.3 Freeway Capacity- page 2)
- On page 68 of the Draft, need to add the factor for determining if a parking deficiency would substantially impact an adjacent residential area  
**ADD:** whether or not a proposed project would generate more than 120 daily vehicle trips to a local residential street or substantially increase delay for vehicles exiting the neighborhood.
- **Parking-** from LA CEQA Thresholds Guide (Parking F.7, page 2)
  - A project would normally have a significant impact on parking if the project provides less parking than needed as determined through an analysis of demand from the project

**P. Visual Effects and Neighborhood Character (p. 69)**

- Section is very well written
- **RECOMMENDATION:**
  - Under Light/Glare (subsection 5) – the threshold for nighttime illumination, include a comment about the potential effect if the adjacent

area to the project is designated for light-sensitive land-use versus non-light-sensitive land-use.

**Q. Water Quality (p. 73) –**

- Section is adequate
- **RECOMMENDATIONS:**
  - Augment criteria with the following impacts:
    - Stream channelization/hardscaping affects water quality by reducing the riparian vegetation, which shades and cools the water
    - Physical modification of the stream channel (i.e.- lining the bottom with concrete) can affect water quality as much as discharges of pollutants
  - The CEQA guidelines should assess impacts to downstream aquatic resources whenever a small, intermittent, or ephemeral stream is destroyed
    - Wiping out small streams with increasing population is a recipe for higher bacteria counts at beaches because of loss of assimilative capacity in the streams
    - Directing new housing out towards the small streams only puts more strain on the downstream water sources

**R & S. Cumulative Effects and Mandatory Findings of Significance (p. 76)**

- The Draft guidelines do not adequately include a discussion of the cumulative impacts of a project.
- The Draft analyzes the potential cumulative impacts of a project in less than half of the guidelines. This is a direct contrast to the mandatory findings of significance required by CEQA, 13 PUB. RES. CODE §21083(b) which states:

[T]hat a project may have a significant effect on the environment if...  
[t]he possible effects of a project are individually limited but cumulatively considerable [, meaning] that the incremental of an individual project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.

- EAS misquotes 14 CAL CODE REG §15355- Nowhere in the referenced section is there a mention of an EIR.
  - EAS was attempting to refer to 14 CAL CODE REG §15130, which does refer to cumulative impact analysis in an EIR
  - But, it cannot be taken without an analysis and integration of CEQA Guidelines, 14 CAL CODE REG 15064 (h), which requires an analysis of the potential cumulative impacts of a project at the initial study stage of the environmental review
- This section does not give the lead agency discretion over whether or not to examine the potential cumulative impacts of a project at the initial study stage
  - If impacts are significant, then an EIR must be prepared

- EAS is unable to determine whether or not a cumulative impact is significant or not at initial study stage without actually analyzing the cumulative impacts of a project
- Draft references CEQ's report "Considering Cumulative Effects under the National Environmental Policy Act" (NEPA)
  - This report recommends analyzing cumulative impact at all stages of the environmental review process
  - The report is well written and describes a methodology, which could easily be implemented by EAS into the Draft Significance Determination Threshold guidelines.
    - **RECOMMENDATION:** Follow the Los Angeles CEQA Thresholds guide on this issue
    - *The Los Angeles CEQA Thresholds Guide has a cumulative impact section integrated into every section of the thresholds guide.*